

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

IVAN SAMANIEGO,

Plaintiff,

v.

W. J. SULLIVAN, *et al.*

Defendants.

Case No. 1:21-cv-00839-JLT-BAK (EPG)

ORDER REGARDING STATUS OF CASE
AND SERVICE

(ECF Nos. 27, 31).

On July 28, 2022, Plaintiff filed a third amended complaint against Defendants W. J. Sullivan, Christian Pfeiffer, Officer K. Mumby, Officer E. Weiss, Officer C. Castillo, Officer C. Gray, Officer Julian Luge¹ Officer F. Perez, Officer Jordan Beardsley, Officer F. Zavaleta, Officer Frank Davis, Officer F. Harris, Officer C. Cervantes, Officer J. Presson, Sergeant R. Escarcega, Lieutenant J. Tyree, and eight Doe Officers. (ECF No. 32). On August 8, 2022, Defendants Beardsley, Sullivan and Pfeiffer filed a motion to dismiss Plaintiff's third amended complaint. (ECF No. 33). On August 11, 2022, Defendants Zavaleta, Weiss, Gray, Perez, Mumby, Castillo and Luge filed an answer to Plaintiff's third amended complaint. (ECF No. 34). To date, there is no indication that Plaintiff has served Defendants Davis, Harris, Cervantes, Presson, Escarcega, and Tyree with Plaintiff's third amended complaint.

¹ Plaintiff's third amended complaint identifies Officer "Julian Luge" as a Defendant. (*See* ECF No. 32). The answer that was filed by various Defendants on August 11, 2022, (ECF No. 34) identifies one of those Defendants as "Luque."

1 Given the pending motion to dismiss, and the need to serve additional defendants, the
2 Court will not set a scheduling conference at this time. However, the Court will direct Plaintiff to
3 serve outstanding defendants and for the parties to file a status report as indicated below.

4 Accordingly, IT IS ORDERED as follows:

- 5 1. The parties shall file a joint status report by November 16, 2022, addressing whether
6 they are prepared to set a scheduling conference.
- 7 2. Plaintiff shall serve Defendants Davis, Harris, Cervantes, Presson, Escarcega, and
8 Tyree by no later than October 26, 2022, or otherwise request an extension of time to
9 do so. Fed. R. Civ. P. 4(m).
- 10 3. The Clerk of Court is directed to terminate Defendant California Department of
11 Corrections and Rehabilitation from the docket as Defendant California Department of
12 Corrections and Rehabilitation is no longer identified as a Defendant in the third
13 amended complaint. (ECF No. 32). The Clerk of Court is also directed to add the
14 following Defendants to the docket, Defendants Officer Frank Davis, Officer F.
15 Harris, Officer C. Cervantes, Officer J. Presson, Sergeant R. Escarcega, and
16 Lieutenant J. Tyree, who were named for the first time in the third amended
17 complaint. (ECF No. 32). Further, the Clerk of Court is directed to change Defendant
18 Christian Pfeffer's name on the docket to "Defendant Christian Pfeiffer" to reflect the
19 correct spelling. (See ECF No. 14, p. 6, n.2).

20 IT IS SO ORDERED.

21 Dated: August 18, 2022

22 /s/ Eric P. Gray
23 UNITED STATES MAGISTRATE JUDGE
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